

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Anthony F. Distler

Docket No. 5:14-MJ-1881-1

Petition for Action on Probation

COMES NOW Thomas E. Sheppard, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony F. Distler, who, upon an earlier plea of guilty to Level 5 Driving While Impaired in violation of N.C.G.S. 20-138.1 as assimilated by 18 U.S.C. §13, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on November 16, 2016, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Supervision of this case was immediately transferred to the Western District of Missouri. On December 5, 2016, the defendant submitted a urine specimen which tested positive for marijuana. The defendant stated that the test result was due to use prior to the imposition of the sentence of probation. The probation office in the Western District of Missouri recommends adding a drug treatment condition.

Also, the defendant is reportedly under psychiatric care for injuries suffered while he was in the military, and he owns a firearm. The Western District of Missouri has fully adopted the new standard condition of probation prohibiting weapons possession by any offenders under supervision. The probation office in that district recommends that the defendant not be allowed to possess a firearm while on probation.

The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall not possess a firearm or destructive device.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

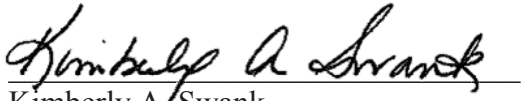
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2541
Executed On: December 13, 2016

ORDER OF THE COURT

Considered and ordered this 13th day of December, 2016, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

Kimberly A. Swank
U.S. Magistrate Judge